

## **REMARKS**

### **I. Introduction**

Claims 10 to 21 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Objection to the Drawings**

The drawings were objected to under 37 C.F.R. §§ 1.83(a) and 1.84(I).

Regarding the objection to the drawings under 37 C.F.R. § 1.83(a), while 37 C.F.R. § 1.83(a) requires the drawings to show every feature specified in the claims, it also provides that “conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be” -- but are not required to be -- “illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation.” Furthermore, 37 C.F.R. § 1.83(a) is subject to 37 C.F.R. § 1.81(a), which provides that “[t]he applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented.” The feature of an electric parking brake need not be illustrated since a detailed illustration thereof is not essential for a proper understanding of the claimed subject matter. It is respectfully submitted that those of ordinary skill in the art would properly and readily understand the above features disclosed in the description and the claims, without need for further illustration. Furthermore, the M.P.E.P. makes plain that drawings are not necessary for an understanding of the claimed subject matter if the application includes claims directed to a method or process. M.P.E.P. § 601.01(f) (“It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).”).

Regarding the objection to the drawings under 37 C.F.R. § 1.84(I), accompanying this Amendment is a Replacement Sheet for Figures 1 and 2, which now includes durable, clean, black, sufficiently dense and dark, and uniformly thick and well-defined lines, numbers and letters, as requested. No new matter has been added and the drawings are supported by the present application. Approval and entry are respectfully requested.

In view of all of the foregoing, withdrawal of the objection to the drawings is respectfully requested.

### **III. Objection to the Specification**

Regarding the objection to the specification, the specification has been amended herein without prejudice to correct typographical errors, as suggested by the Office Action. No new matter has been added. Withdrawal of this objection is therefore respectfully requested.

### **IV. Rejection of Claims 10, 11, 15, 17, 18, and 21 Under 35 U.S.C. § 102(b)**

Claims 10, 11, 15, 17, 18, and 21 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2002/0023809 ("Ehrmaier et al."). It is respectfully submitted that Ehrmaier et al. does not anticipate the present claims for at least the following reasons.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). In other words, to be anticipatory, a single prior art reference must show all of the limitations of the claims arranged or combined in the same way as recited in the claims. Net Moneyin, Inc. v. Verisign, Inc., 545 F.3d 1359 (Fed. Cir. 2008).

Claim 10 relates to a method for activating an electric parking brake of a motor vehicle, including the features of detecting an initiation of a shut-down operation for turning off a drive motor of the motor vehicle, activating the electric parking brake after initiation of the shut-down operation, and *turning off the drive motor only after completion of activation of the electric parking brake*. Support for the amendments to the claims may be found in the Substitute Specification, e.g., at page 2, lines 18 to 19, and 31 to 32; page 3, lines 29 to 32; page 9, lines 28 to 33; and Figure 2. Claim 17 includes features analogous to those included in claim 10.

Ehrmaier et al. does not disclose, or even suggest, all of the claimed features of claims 10 and 17. Instead, Ehrmaier et al. merely states that a “parking brake 12 ... should be activated automatically ***upon shutting-off*** the internal combustion engine.” Ehrmaier et al., ¶ [0010] (emphasis added). Further, the Office Action asserts that claim 6 of Ehrmaier et al. discloses the above-recited feature of claims 10 and 17. However, claim 6 of Ehrmaier et al. merely describes a “parking brake being automatically activated ***when the ... engine is being shut-off***.” (emphasis added). Thus, the cited sections of Ehrmaier et al. merely describe that an engine is shut off either before, or during, activation of a parking brake. In contrast, nowhere does Ehrmaier et al. disclose that an engine is shut off only after completion of activation of an electric parking brake. Therefore, nowhere does Ehrmaier et al. disclose, or even suggest, the feature of *turning off the drive motor only after completion of activation of the electric parking brake*.

Accordingly, Ehrmaier et al. does not disclose, or even suggest, all of the features included in claims 10 and 17. As such, it is respectfully submitted that Ehrmaier et al. does not anticipate claims 10 and 17.

As for claims 11 and 15, which depend from and therefore include all of the features included in claim 10, and claims 18 and 21, which depend from and therefore include all of the features included in claim 17, it is respectfully submitted that Ehrmaier et al. does not anticipate these dependent claims for at least the same reasons more fully set forth above.

In view of all the foregoing, withdrawal of this rejection is respectfully requested.

## **V. Allowable Subject Matter**

Applicant notes with appreciate the indication of allowable subject matter included in claims 12 to 14, 16, 19, and 20.

Claims 12, 14, 16, 19, and 20 have been amended herein without prejudice to include all of the limitations of their base claims and any intervening claims. As such, it is respectfully submitted that claims 12, 14, 16, 19, and 20 are in condition for immediate allowance.

Thus, as for claim 13, which depends from and therefore includes all of the features included in claim 12, it is respectfully submitted that this dependent

claim is also in condition for immediate allowance for at least the same reasons provided above.

**VI. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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